IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.18612 of 2007

Dated: September 3, 2007

Between:

D. Rami Reddy, S/o. Krishna Reddy,
Superintendent, O/o. The Deputy Director,
Central Survey Office, Narayanaguda,
Hyderabad.

... Petitioner

And

The Joint Registrar / District Cooperative Officer,
Hyderabad, and others.

... Respondents

Order:

Petitioner, a member of T.N.G.O. Employees Mutually Aided Cooperative Housing Society, seeks a Writ of Mandamus to declare the election held on 05-08-2007, to elect the office bearers of the said Society, as illegal and a direction to the respondents to conduct fresh election to the said Society.

2. I have heard learned counsel for the petitioner and learned Government Pleader for Cooperation appearing on behalf of the

respondents.

3. The case of the petitioner is that Respondent No.2, Deputy Registrar (Retd.), the Election Officer to the said Society has purportedly issued notice dated 14-07-2007, in proceedings Rc.No.3/2007-Elec., and the same has been displayed on the notice board at Telangana Bhavan on 30-07-2007. It is stated that the same is not known to any member of the Society. Petitioner has filed the said notice in the material papers. As per the programme, various dates were notified. The last date for filing nominations was 30-07-2007, scrutiny was on 31-07-2007, withdrawal on 01-08-2007 and date of holding elections was 05-08-2007.

4. It is to be noted that the Society and persons elected as office bearers are not impleaded as party respondents. Moreover, as elections have already been held, petitioner has an alternative remedy of appeal against the conduct of elections before the Cooperative Tribunal in view of the provisions under Section 37(2) of the Andhra Pradesh Mutually Aided Co-operative Societies Act, 1995. As much as election has already taken place, petitioner can very well avail the remedy of appeal.

In that view of the matter, there is no special reason to entertain this writ petition bypassing the remedy of appeal available to the petitioner against the conduct of election.

5. The writ petition is accordingly dismissed. However, it is open to the petitioner to question the said election before the Cooperative Tribunal and if any appeal is preferred by the petitioner, the same shall be considered and disposed of by the Tribunal, on its own merits, uninfluenced by any of the observations made in this order. No order as to costs.

JUSTICE R. SUBHASH REDDY.

September 3, 2007
MRR